

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

EMMANUEL MICHEL-RAMOS,

Plaintiff,

v.

JOSE ARROYO-SANTIAGO, ET AL.,

Defendants.

CV. NO. 04-2272 (PG)

ORDER

Before the Court is defendant Arroyo-Santiago's "Motion to Dismiss all Claims against Unidentified Defendants" (Docket No. 27). Plaintiff filed the above styled and captioned complaint on November 16, 2004, asserting sundry claims against Arroyo-Santiago and seven unidentified co-defendants. Plaintiff has never identified the unnamed co-defendants nor has he, of course, served them in accordance with Fed.R.Civ.P. 4(m).

Plaintiff's only arguments against dismissal are that the named defendant lacks standing to request that remedy, and that they should have been granted at least until the conclusion of discovery to identify the unnamed co-defendants and amend the complaint accordingly. Since discovery concluded on April 30, 2006 with nary a response from plaintiff, effectively mooting his second argument. Plaintiff's standing argument meets a similar fate: since the unidentified co-defendants could not possibly move for dismissal on their own, the Court sees no problem in granting the appearing named co-defendant to do so. See Carmona-Pacheco v. Betancourt-Lebron, 820 F.Supp. 45, 46 (D.P.R. 1993) (allowing named defendants to move for dismissal of claims against unnamed defendants). Consequently, defendant's motion to dismiss is hereby **GRANTED**. Judgment accordingly shall issue forthwith.

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SO ORDERED.

In San Juan, Puerto Rico, May 18, 2006.

S/JUAN M. PEREZ-GIMENEZ
U. S. DISTRICT JUDGE